



General Assembly

February Session, 2016

Amendment

LCO No. 5195



Offered by:

SEN. FASANO, 34th Dist.
REP. STANESKI, 119th Dist.
SEN. KISSEL, 7th Dist.
SEN. KELLY, 21st Dist.
SEN. MARKLEY, 16th Dist.
SEN. MCLACHLAN, 24th Dist.
SEN. GUGLIELMO, 35th Dist.
REP. FERRARO, 117th Dist.
REP. ZIOBRON, 34th Dist.
SEN. FORMICA, 20th Dist.
REP. LAVIELLE, 143rd Dist.
REP. D'AMELIO, 71st Dist.
REP. BOLINSKY, 106th Dist.
REP. KLARIDES, 114th Dist.
SEN. KANE, 32nd Dist.
REP. CAMILLO, 151st Dist.
REP. CARPINO, 32nd Dist.
SEN. LINARES, 33rd Dist.

REP. SRINIVASAN, 31st Dist.
REP. ADINOLFI, 103rd Dist.
REP. CARNEY, 23rd Dist.
REP. MINER, 66th Dist.
REP. CANDELORA, 86th Dist.
REP. BYRON, 27th Dist.
REP. TWEEDIE, 13th Dist.
REP. ZAWISTOWSKI, 61st Dist.
REP. SIMANSKI, 62nd Dist.
REP. MULLIGAN, 55th Dist.
REP. WOOD, 141st Dist.
REP. BUCK-TAYLOR, 67th Dist.
REP. MACLACHLAN, 35th Dist.
REP. FLOREN, 149th Dist.
SEN. FRANTZ, 36th Dist.
SEN. HWANG, 28th Dist.
SEN. BOUCHER, 26th Dist.

To: Subst. Senate Bill No. 294

File No. 509

Cal. No. 334

"AN ACT CONCERNING SERVICES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITY."

- 1 Strike everything after the enacting clause and substitute the
- 2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
4 section:

5 (1) "Department" means the Department of Developmental Services.

6 (2) "Commissioner" means the Commissioner of Developmental
7 Services.

8 (3) "Waiting list" means a list or lists maintained by the
9 commissioner that include the names of individuals with intellectual
10 disability who (A) have requested respite supports or residential, day,
11 in-home, behavioral or other services from the department, and (B) the
12 commissioner has determined to be in need of the supports or services
13 requested.

14 (4) "Level of need assessment" means the department's method,
15 using any standardized assessment or screening tool, to (A) determine
16 the level of services from the department that an individual with
17 intellectual disability requires for the management of the individual's
18 behavioral or health conditions and to complete activities of daily
19 living, as defined in section 19a-693 of the general statutes, (B)
20 determine an individual's priority status, and (C) assign an individual
21 an estimated funding amount for services.

22 (5) "Priority status" means the code assigned to an individual with
23 intellectual disability for whom services from the department have
24 been requested that identifies the timing of the individual's need for
25 services.

26 (b) Immediately after the department completes a level of need
27 assessment for an individual with intellectual disability, or not later
28 than September 30, 2017, for an individual who had a level of need
29 assessment prior to that date, the department shall provide to the
30 individual and the individual's parent, conservator, guardian or other
31 legal representative a complete copy of the level of need assessment,
32 including, but not limited to, scoring results, comments, a summary
33 report and any other related information or documents.

34 (c) (1) Not later than September 30, 2017, the commissioner shall
35 notify, in writing, each individual with intellectual disability, who is
36 receiving services from the department, and the individual's parent,
37 conservator, guardian or other legal representative of the individual's
38 priority status on any applicable waiting list and the amount of
39 funding budgeted for each service provided by the department. Such
40 notice may be provided at the annual meeting with such individual
41 and the individual's parent, conservator, guardian or other legal
42 representative.

43 (2) On or before July 1, 2018, the commissioner shall, in consultation
44 with each individual with intellectual disability who is receiving
45 supports or services from the department, and the individual's parent,
46 conservator, guardian or other legal representative, develop a long-
47 term five-year and ten-year care plan to meet the individual's needs for
48 supports or services. Such plan shall include an indication of the time
49 period each support or service is likely to be needed based on the
50 individual's annual level of need assessment. Such plan shall be
51 updated annually based on the individual's level of need assessment.

52 (d) (1) The commissioner shall develop and maintain one state-wide
53 comprehensive residential waiting list. Such waiting list shall (A) be
54 organized by geographic region and individuals' priority status, and
55 (B) include the type of support or service each individual needs and
56 the estimated time period each support or service is likely to be
57 needed. The commissioner shall update such list not less than
58 quarterly.

59 (2) On or before July 1, 2018, the commissioner shall conduct a state-
60 wide census of individuals receiving services from the department.
61 The census shall be based on the existing level of need assessment, if
62 any, for each such individual. At the conclusion of the census, the
63 commissioner shall update the residential waiting list based on the
64 results of such census. On or before October 1, 2018, the commissioner
65 shall report, in accordance with the provisions of section 11-4a of the
66 general statutes, to the joint standing committee of the General

67 Assembly having cognizance of matters relating to public health on the
68 results of the state-wide census and the status of the residential
69 waiting list. Such report shall also include, but need not be limited to, a
70 description of the trends in supports and services requested from the
71 department and projections for state-wide needs over the next two-
72 year, five-year and ten-year periods. Nothing in this section shall be
73 construed as requiring the commissioner to conduct a level of need
74 assessment for individuals without level of need assessments.

75 (e) Information collected, maintained and disclosed pursuant to this
76 section shall be in accordance with the requirements of the federal
77 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-
78 191) (HIPAA), as amended from time to time, or regulations adopted
79 thereunder.

80 Sec. 2. Section 17a-273 of the general statutes is repealed and the
81 following is substituted in lieu thereof (*Effective from passage*):

82 (a) The Commissioner of Developmental Services shall appoint at
83 least one advisory and planning council for each state developmental
84 services region operated by the Department of Developmental
85 Services, which council shall have the responsibility of consulting with
86 and advising the director of the region on the needs of persons with
87 intellectual disability in the region, the annual plan and budget of the
88 region and other matters deemed appropriate by the council.

89 (b) Each such council shall consist of at least ten members appointed
90 from the state developmental services region. No employee of any
91 state agency engaged in the care or training of [persons] individuals
92 with intellectual disability shall be eligible for appointment. At least
93 one member shall be designated by a local chapter of the Arc of
94 Connecticut in the region. At least one member shall be an individual
95 who is eligible for and receives services from the Department of
96 Developmental Services. At least two members shall be parents of
97 [persons] individuals with intellectual disability. Members shall be
98 appointed for terms of three years. No member may serve more than

99 two consecutive terms, except a member may continue to serve until a
100 successor is appointed. Each council shall appoint annually, from
101 among its members, a chairperson, vice-chairperson and secretary. The
102 council may make rules for the conduct of its affairs. The director of
103 the region shall be an ex-officio member of the council without vote
104 and shall attend its meetings.

105 (c) The council shall meet at least six times a year and at other times
106 upon the call of the chair or the director of the state developmental
107 services region or on the written request of any two members. A
108 majority of the council members in office shall constitute a quorum.
109 Any member who fails to attend three consecutive meetings or who
110 fails to attend fifty per cent of all meetings held during any calendar
111 year shall be deemed to have resigned from office.

112 (d) The commissioner shall ensure that each individual with
113 intellectual disability who resides within a state developmental
114 services region, and is applying for or receiving services from the
115 Department of Developmental Services and the individual's parent,
116 conservator, guardian or other legal representative, is informed, in
117 writing and in plain language, of the existence and function of the
118 regional advisory and planning council and the supports and services
119 available to the individual from the department.

120 (e) Information collected, maintained and disclosed pursuant to this
121 section shall be in accordance with the requirements of the federal
122 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-
123 191) (HIPAA), as amended from time to time, or regulations adopted
124 thereunder.

125 Sec. 3. (NEW) (*Effective from passage*) (a) On and after October 1,
126 2016, the Commissioners of Social Services and Developmental
127 Services shall notify, in writing, any individual with intellectual
128 disability, who is receiving state-assisted care and who is soon to
129 become ineligible for state-assisted care, and the individual's parent,
130 conservator, guardian or other legal representative, of the date the

131 individual will be ineligible to receive state-assisted care. Such notice
132 shall be sent by certified mail, return receipt requested, not later than
133 ninety days prior to the date the individual will become ineligible for
134 state-assisted care or will stop receiving such care, whichever is earlier.

135 (b) Said commissioners shall assist any such individual and the
136 individual's parent, conservator, guardian or other legal representative
137 to identify and secure private funding for care or services required by
138 the individual relating to his or her intellectual disability."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	17a-273
Sec. 3	<i>from passage</i>	New section